

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS,
WESTERN DIVISION**

RICHARD PINKOUS,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
ASSOCIATED CREDIT SERVICES, INC.,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

RICHARD PINKOUS (Plaintiff), through his attorneys, KROHN & MOSS, LTD.,
alleges the following against ASSOCIATED CREDIT SERVICES, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Illinois, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

6. Declaratory relief is available pursuant to 28 *U.S.C.* 2201 and 2202.

PARTIES

7. Plaintiff is a natural person residing in Sterling, Whiteside County, Illinois.
8. Plaintiff is a consumer as that term is defined by 15 *U.S.C.* 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C.* 1692a(5).
9. Defendant is a debt collector as that term is defined by 15 *U.S.C.* 1692a(6), and sought to collect a consumer debt from Plaintiff.
10. Plaintiff is informed and believes, and thereon alleges, that Defendant is a national company with its headquarters in Hopkinton, Massachusetts.
11. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

12. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
13. Defendant has been placing collection calls to Plaintiff for nearly 2 months.
14. Defendant places collection calls to Plaintiff's cellular phone: 815-441-4157.
15. Defendant places collection calls to Plaintiff from: 800-962-9898.
16. Defendant threatened Plaintiff with legal action even though to date, Defendant has not filed a lawsuit against Plaintiff.
17. Defendant threatened Plaintiff with wage garnishment even though to date, no wage garnishment order has been placed against Plaintiff.
18. Defendant threatened to seize Plaintiff's accounts.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiff's wages when Defendant thought such action is not intended to be taken.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to take legal action against Plaintiff even though such action is not intended to be taken.
- e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to take legal action and wage garnishment against Plaintiff;

WHEREFORE, Plaintiff, RICHARD PINKOUS, respectfully requests judgment be entered against Defendant, ASSOCIATED CREDIT SERVICES, INC., for the following:

20. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: _____/s/ Adam J. Krohn

[] Adam J. Krohn

[] Adam T. Hill

Attorneys for Plaintiff

Krohn & Moss, Ltd.

120 W. Madison Street

10th Floor

Chicago, IL 60602

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, RICHARD PINKOUS, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ILLINOIS

Plaintiff, RICHARD PINKOUS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, RICHARD PINKOUS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

07 26 10
Date


RICHARD PINKOUS